



Spring 1979

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Cleveland-Marshall College of Law

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CLEVELAND-MARSHALL

# Law Notes



Spring/Summer 1979



**CLEVELAND-MARSHALL  
LAW NOTES**

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Spring/Summer 1979  
Vol. 5 No.3

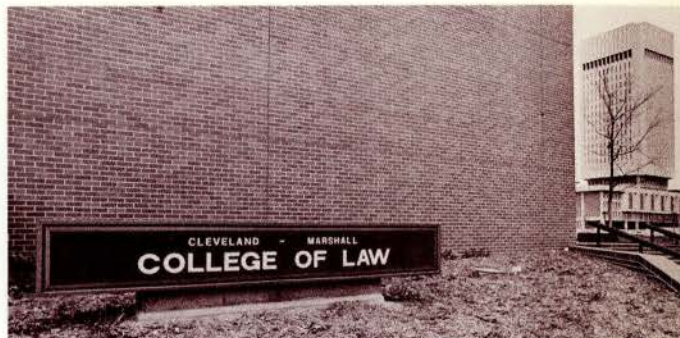
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Cover by Martin Nadorlik



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Robert L. Bogomolny

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**What's  
Happening?**

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C-M Law Notes wants to keep current on what's happening to Cleveland-Marshall alumni and friends. We'd like to know so we can tell others about your special accomplishments, promotions, new positions or associations, community activities, public offices, retirements, honors, etc. Please send news about yourself or others to Law Notes, or telephone 216/687-2540. Be sure to include name, address, telephone number and year of your C-M law degree. Photos can be returned.

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**Cleveland-Marshall Law Notes** is published periodically for alumni and friends by the Cleveland-Marshall College of Law. Editorial offices: Law Notes, Room 121, Cleveland-Marshall College of Law, Cleveland State University, Cleveland, Ohio 44115. Telephone 216/687-2540

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# Frank Celebrezze becomes Marshall's first Supreme Court Chief Justice

**Frank D. Celebrezze, C-M '56**, the first Ohio Supreme Court Chief Justice from Cleveland-Marshall in recent memory, will be honored as alumnus of the year at the annual C-M Alumni Association Recognition Banquet at the Hollenden House this summer.

Judge Celebrezze, 50, became the seventh popularly-elected chief justice last November when he defeated Associate Justice Thomas M. Herbert for the unexpired term of C. William O'Neill who died in August. Celebrezze became the first Democratic chief justice since Carl V. Weygandt left office 16 years ago.

A graduate of Baldwin-Wallace College and Cleveland-Marshall, the chief justice served two terms in the legislature in the late 1950s, leaving in

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**"Equal justice for all. That will be ... the only promise that I will make to anyone."**

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1960 to serve as special counsel to Attorney General Mark McElroy.

He sought his first judicial office in 1964, running

for the Cuyahoga County Common Pleas Court. He was elected and served for eight years until 1972 when he defeated Robert Leach for an unexpired term as associate justice of the Ohio Supreme Court.

At his inauguration in December the chief justice said, "Equal justice for all. That will be the only goal that I will bring to this office and the only promise that I will make to anyone."

\*\*\*

Other C-M alumni fared well in the November, 1978 elections. The chief justice's cousin, **Anthony J. Celebrezze Jr., C-M '73**, is the new Ohio Secretary of State, having defeated long-time incumbent Ted. W. Brown. (The secretary of state's father and the chief justice's uncle is former Cleveland Mayor Anthony J. Celebrezze, an Ohio Northern law graduate, now is a justice on the U.S. Sixth Circuit Court of Appeals.)

**Edward Feighan, C-M '78**, passed the Ohio Bar Exam the day after he was elected Cuyahoga County Commissioner. (The other Democrat on the Cuyahoga County Board of Commissioners, **Robert E. Sweeney**, is a 1951 C-M graduate.)

**Vincent Campanella, C-M '69**, was re-elected Cuyahoga County auditor. ... **Louis Stokes, C-M '50**, was re-elected to Congress from the 21st district. ...

**Continued on page 9**

**CLEVELAND-MARSHALL'S**  
first Ohio Supreme Court Chief Justice, Frank D. Celebrezze, was sworn in in Columbus last December by retired Justice J.J.P. Corrigan.





# from the dean

## Dear Alumni:

I am pleased to report that our students who took the Ohio Bar Exam for the first time in February, 1979, had the highest pass rate among the nine Ohio law schools. To those who passed I extend my heartiest congratulations.

I am also delighted to inform you that our Continuing Legal Education (CLE) programs are a success.

The Lawyers' Seminar in Federal District Court Practice held at C-M last fall in conjunction with the Federal Court of the Northern District of Ohio was praised by nearly all participants. Attendance was high, and the subject matter examined was meaningful. This special program, another first for C-M, is an example of community participation that should be emphasized in the years ahead.

The achievements of any institution are accomplished by the people who are involved in its day-to-day operations, and I would like to take this opportunity to thank the faculty and staff members for their outstanding professionalism and support during the past year.

This year we welcomed the following new faculty and staff: Professor Robert Catz and Assistant Professor Ralph Tyler. Both have contributed a great deal of their time in our Legal Clinic as well as teaching other more traditional courses. Therese Arsham replaces Francine Cole, former administrative assistant in the Dean's office. She directs alumni relations, conference planning and a host of other activities.



Nancy Goldman is our new placement director. She will be calling on concerned alumni for guidance in placing talented students in the job market.

In addition, I would like to welcome Janice Toran to our faculty in a new capacity. Janice, who has served as assistant dean for the past two years, will be teaching full-time this fall.

On a sorrowful note, we share the loss of two distinguished members of the law school community — Dean Wilson Stapleton and Professor Charles Auerbach.

Dean Stapleton was an energetic force during the early development of our law school and helped countless students. Professor Auerbach figured mightily in carving high standards for our school. Both of these men will be sorely missed.

Meanwhile, the library fund drive is proceeding nicely. We have reached nearly two-thirds of our goal, largely with your help, and we hope to fulfill our commitment in the near future.

The future holds a number of exciting programs. We are considering revising our curriculum and adding some new approaches to legal education.

We hope that you will share with us in what we feel is the beginning of a new era for Cleveland-Marshall College of Law.

Sincerely,

A handwritten signature in cursive script, likely of Dean Bogomolny.

Dean



FEDERAL DISTRICT COURT practice is discussed by seminar participants Judge John Manos (N.D. Ohio), Dean Bogomolny, Professor Stephen A. Saltzburg, evidence expert from the University of Virginia and Chief Judge Frank Battisti (N.D. Ohio). C-M hosted the conference last October in which more than 230 people from Greater Cleveland and Northeast Ohio participated. The four-day program was one of the first of its kind in the country. In addition to Saltzburg, featured speakers included District Judges Frank McGarr and Hubert L. Will of the Northern District of Illinois, Robert R. Merhige Jr. of the Eastern District of Virginia, Chief Judge Edward D. Re of the U.S. Customs Court and Professor Arthur R. Miller, federal practice expert from Harvard.



## from the alumni president

The CSU-C-M Law Alumni Association has had an active year. Our Annual Meeting and Open House is traditionally held at the law school on the Friday evening preceding graduation. This affords the graduating seniors an opportunity to join in the festivities, their final exams all behind them. This year, a significant change was made which afforded free membership to all graduating seniors for a one-year period.

In October, we sponsored the annual "Beer Bash," a party given at the law school on Bar Results Day, to offer our congratulations to our newest Bar members.

December found the auditorium of the Old Stone Church filled to near capacity for our seminar on Recent Developments in Domestic Relations Law. Compiled for this seminar was a voluminous publication of virtually all Court of Appeals of Cuyahoga County decisions in the past year on the subject of domestic relations law.



The Alumni Association also helped sponsor the Niagara Moot Court Competition and awarded full academic scholarships to two deserving students.

The year is not over yet! Still in the offing is the Annual Recognition Luncheon, slated for some time this summer. The special honor goes to the Chief Justice of the Ohio Supreme Court, the Honorable Frank D. Celebrezze, the first alumnus in our history to achieve the highest position in the highest court of our state.

Also set for June is our Annual Meeting and Open House. Chaired by Leo Rossmann, a special feature in this year's event is the "Once in a Lifetime" honor to be given to those who have been alumni for fifty years or more.

It has been an exciting year for me as president of the CSU-C-M Law Alumni Association, and with the cooperation of the officers and members of the board of trustees, Dean Bogomolny, and, most importantly, our membership, I feel it has been productive and fulfilling.

A handwritten signature in cursive script, reading "Joyce Barrett".

Alumni Association President

### Family law seminar attracts 100 people

An estimated 100 people attended a seminar on "Recent Developments in Domestic Relations Law" sponsored by the C-M Alumni Association last winter.

The December seminar was conducted by Marshall J. Wolf of Gaines, Stern, Schwarzwald & Robiner and Robert I. Zashin, C-M '68, former trial referee in the Cuyahoga County Domestic Relations Court.

Joyce Barrett, C-M '71, Alumni Association president and the organizer of the program, says that copies of the published materials from the seminar are available for \$10 from her at 1400 Standard Building, Cleveland 44113.

### Maxwell is '78 Man of the Year



GOVERNOR RHODES APPLAUDS retiring domestic relations Judge John J. Maxwell, named man-of-the-year at the 1978 alumni recognition luncheon. Mrs. Maxwell is seated. Anthony Garofoli, then alumni president, looks on.



# Solicitor General Wade McCree to judge Annual Moot Court Night

Why would someone give up the security of a lifetime appointment on a federal circuit court to serve "at the pleasure of the President" — even if the job is number three man in the U.S. Justice Department?

Wade H. McCree, Jr., 58, resigned from the Sixth Circuit two years ago to accept the appointment as Solicitor General of the United States after 23 years as a judge "because I was psychologically prepared to do something different. I didn't want to be a prisoner of security."

McCree was scheduled to be presiding judge at C-M's Annual Spring Moot Court Night, sharing the bench with Federal Judge John Lambros, C-M '52, and Judge Jack Day of the Ohio Eighth District Court of Appeals. No stranger to Cleveland, McCree had presided over another C-M Moot Court Night "several years ago. The other judges were John Manos [C-M '50] when he was on Ohio's intermediate court and Judge Frank Battisti."

McCree estimates he has judged some 50 moot court competitions over the years. Since the first of this year, he has been to Utah, Duke, the University of Virginia at Charlottesville, and the University of Georgia at Athens. He would have judged Temple's



moot court May 1, but he was called to a Law Day conference at the White House instead.

The C-M Moot Court spring problem concerned Indian law, a vast subject that McCree said is being considered in depth by the U.S. Supreme Court.

"You see trends in the Court from time to time," he said, "but it's often a case of finishing something once it has gotten started. Once you start painting a room you don't leave it half finished."

Recent trends, in the criminal area, have included "delineating the contours of the doctrine of double jeopardy and now defining the contours of *New York Times v. Sullivan*," he said.

The solicitor general represents the United States in cases before the Supreme Court. He is outranked in the Justice Department only by the attorney general and the deputy attorney general.

As solicitor general, McCree said, he has a more active role than he did on the bench. "As an advocate, my job is to persuade. As a judge, it was to resolve."

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**"I often determine whether the government will take a position."**

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"I have a voice in formulating the government's position and I often determine whether the government will take a position."

McCree served for 11 years on the sixth circuit bench. In 1966 he was the third black to be named to a federal court of appeals. The others, he said, were William Henry Hastie, appointed to the third circuit in 1949, and Thurgood Marshall who served on the second circuit from 1961 to 1966 until he was named solicitor general.

From 1961 to 1966 McCree was a federal judge in the Eastern District of Michigan. Before that he served as Wayne County, Mich. (Detroit) circuit judge after two years as Michigan Workmen's Compensation Commissioner.

McCree earned his A.B. at Fisk University, and then enrolled in Harvard Law School. He was drafted during his second year, served four years in the Army during World War II and was discharged as a captain of the infantry after two years of overseas combat duty in the Mediterranean.

McCree returned to Harvard and finished in 18 months, earning his LL.B. in 1948. Among his classmates was Louis Toepfer, president of Case Western Reserve University and former dean of its law school. McCree has served on the visiting committees of the Harvard, CWRU and Wayne State law schools.

**By Gail Gianasi Natale**

## **Awards to Moot Court finalists**

United States Solicitor General Wade H. McCree, Jr. was to be presiding judge in the final round of C-M's Annual Spring Moot Court Night competition May 17. Other judges were Jack G. Day of the Ohio Eighth District Court of Appeals, and Thomas D. Lambros, C-M '52, of the U.S. District Court, Northern District of Ohio.

The 1979 Moot Court Night marked the second appearance of McCree at C-M as a moot court judge.

Moot Court Night is the culmination of second-year students' efforts. The top eight semi-finalists argued before outside attorneys to determine which two teams would argue in the finals. The spring problem involved Indian law.

The winning team is given the annual Hugo Black Award. The best and second best oralists receive the Dean's Award of \$100 and \$50 respectively, and the best and second best briefs win the Alumni Association Awards of \$100 and \$50 respectively.



## Abakumov works in Russia

**Georg Abakumov, C-M '77**, has been project manager and attorney for the private nonprofit U.S.-U.S.S.R. Trade and Economic Council Inc. since September, 1978. The bilingual Abakumov, who earned a graduate degree in Soviet economics before enrolling in C-M, has been headquartered in Moscow following a three-month training session in New York.

**Gary D. Arbezniak, C-M '76**, a former assistant Cuyahoga County prosecutor, was named federal prosecutor by the U.S. attorney for the Northern District of Ohio. Before joining the county prosecutor, Arbezniak had been clerk of Cuyahoga County Probate Court and a deputy clerk in Cuyahoga County Common Pleas Court.

**Harvey W. Berman, C-M '77**, has moved his offices to 1010 Leader Building.

**John W. Blischak, C-M '75**, admitted to the Ohio Bar in 1975, was admitted to the Arizona Bar in June, 1978. Blischak is working with the U.S. Department of Justice at the U.S. Attorney's office in Phoenix.

**Elizabeth Boyer, C-M '47**, is among 20 Ohio women inducted into the Ohio Women's Hall of Fame. Boyer is professor of law at Cuyahoga Community College and founder of the Women's Equity Action League.

**Thomas J. Brady, C-M '57**, has been named executive director and secretary of the 4100-member Greater Cleveland Bar Association (GCBA). After **Peter P. Roper, C-M '61**, left the GCBA to head the Bar Association of Pennsylvania last year, Brady, GCBA counsel, was named acting executive director and secretary.

**Seymour R. Brown, C-M '53**, senior partner in the law firm of Brown, Hausler, Simms & Miller,

## Brown heads ZBT



FERRIMAN



GAMBLE



GIUSTO



JAMES

has been elected national president of Zeta Beta Tau fraternity.

## C-M alumni lead real estate seminar

Three C-M alumni participated in the recent real estate seminar sponsored by the Cleveland Press.

**Thomas Bliss, C-M '76**, an assistant county prosecutor and trial attorney discussed landlord/tenant rights and obligations. An instructor of real estate law at Cuyahoga Community College, Bliss is corporate counsel and legal education advisor for Century 21 Hoty Realty Inc.

**Lesley W. Brumbach, C-M '77**, discussed tenant rights and obligations. She is a partner of Yungwirth & Brumbach and is an instructor in the Cleveland Area Board of Realtors' professional educational program review course.

**William Negrelli, C-M '66**, gave an overview of landlord tenant provisions. Negrelli, who teaches real estate courses at local colleges, is a member of Mosley, Negrelli and Stein, and has had extensive experience in real estate sales, escrow and title work.

## Leo DeGrandis named judge

Cleveland Municipal Court Judge **Lillian W. Burke, C-M '51**, was honored as one of seven Cleveland "Women in Pursuit of Excellence" at a September luncheon. Judge Burke, in 1969 the first black woman to assume the bench in Ohio, was also the first woman to serve on the three-member Ohio Industrial Commission.

**Annette Butler, C-M '70**, the first woman president of the venerable Cleveland City Club, was scheduled to address a conclave of Gamma Phi Delta in April. Members from Ohio, Michigan, Kentucky, Virginia and Canada were represented at the meeting in North Randall.

**Thomas Campanella, C-M '77**, is one of the City of Cleveland's newest councilmen. Campanella was chosen by the Democratic Caucus to succeed former Ward 21 Councilman Benny Bonanno. Campanella had been a financial analyst with Pickands Mather & Co.

**John C. Coman, C-M '56**, has been named executive vice president, special claims, by Cleveland Trust.

**William J. Corvo, C-M '77**, has been appointed national coordinator of the Americans For Civil Rights In Italy, Inc., headquartered in Middletown, Conn.

**Leo M. DeGrandis, C-M '50**, was named to the Cuyahoga County Common Pleas Court bench in February to fill the remaining term of Judge **Michael M. Sweeney, C-M '51**, who died in December. DeGrandis will serve the remainder of Mr. Sweeney's term which runs through January, 1983. DeGrandis has been practicing law for 27 years.



## ● Ferriman heads ABA Insurance Section

**Dennis Eckart, C-M '74**, state representative from Ohio District 18, has been elected chairman of the 16-member Cuyahoga County delegation to the legislature.

**James W. Ferriman, C-M '49**, of Philadelphia, executive vice president and general counsel of Insurance Company of North America, has been elected chairman of the ABA's Section on Insurance, Negligence & Compensation Law (INCL). The INCL section has a membership of more than 16,000 private practitioners and corporate lawyers. Ferriman's other ABA activities include serving as chairman of the Committee on Automobile Insurance Law, the Long-Range Planning Committee and the Budget and Finance Committee.

**Howard Fishkin, C-M '66**, one of two staff lawyers for Cleveland City Council, joined the firm of Sindell, Sindell, Selker, Rubenstein, Einbund & Pavlik.

**Bruce E. Gaynor, C-M '72**, was named one of 30 communications law fellows at Yale University last year. Gaynor, one-time editor-in-chief of the Cleveland State Law Review, is assistant dean at Syracuse University Law School.

**Michael A. Georgelis, C-M '74**, is practicing law in Lancaster, Pa., as a partner in the firm of West & Georgelis.

**James L. Hardiman, C-M '68**, was elected president of the Cleveland Chapter of the NAACP in November succeeding the Rev. Austin Cooper. Hardiman had assisted with many NAACP legal issues including the Cleveland school's desegregation case.

**Marvin H. Hersch, C-M '54**, a United States Naval Reserve lawyer with the Navy Judge Advocate General corps for 24 years, has

## ● Hilt joins OU Hall of Fame



LEAHY



OTTO



POLK



REGO

been promoted to captain. He had been commander since 1971. Hersch is a partner in Shore & Hersch in Beachwood.

**Donald J. Hilt, C-M '77**, basketball coach at Max Hayes High School, was among six Ohio University alumni inducted into the University's Athletic Hall of Fame last fall. Hilt earned three varsity letters in basketball at OU and was all-MAC first team his junior and senior years.

## Archives needs bulletins

HELP!

The Law Library and the CSU Archives are trying to complete their collections of annual bulletins and catalogs from Cleveland-Marshall College of Law, Cleveland-Marshall Law School, John Marshall Law School and Cleveland Law School.

Any alumni or friends who have copies of back issues that they would be willing to donate are asked to get in touch with

William Becker  
University Archives, UT 502  
1860 E. 22nd St.  
Cleveland 44115  
216/687-3529

## ● Irvins publish college text

**James D. Irvin, C-M '73**, and **Carol Knowlton Irvin, C-M '74**, are co-authors of *Ohio Real Estate Law*, published in April, a text for the college course in real estate law, one of the courses needed to gain an Ohio real estate license. The Irvins, law and marriage partners, maintain a general law practice in Chesterland. They have taught the real estate law course, singly or together, at Cuyahoga Community College, John Carroll University, Kent State University, and Lakeland Community College.

## Beverly Hills Bar prints actors legal handbook

A demand for entertainment law services — long a viable field on the West and East Coasts — is working its way inland. But often entertainers — and their attorneys — are not familiar enough with the field to give sound advice.

The Beverly Hills Bar Association Barristers Committee for the Arts (CFTA), an ongoing non-profit project of that bar association, has published a 216-page handbook resulting from a CFTA conference last fall. The manual, primarily directed to actors and actresses, also offers a guide to the novice attorney in the field.

*The Actors Manual — A Practical Guide to Your Career* covers Basics (including auditions, resumes, introduction to taxes, unemployment insurance), Unions/Guilds (including typical contracts), Agents/Managers (including sample fee schedules and contracts), Personal Service Contracts, and it includes an appendix listing resources.

Gregory Victoroff, C-M '79, who transferred to UCLA for his final year, reports that a limited number of copies of the manual is available from Jordan Kerner, Beverly Hills Bar Association CFTA, 300 South Beverly Drive, Los Angeles 90212. Cost is \$10 plus postage.



## James goes to Columbus

**Larry H. James, C-M '76**, former assistant commissioner of the City of Cleveland's Air Pollution Control Division, has joined the staff of the Columbus city attorney.

**Anne L. Kilbane, C-M, '77** is the first woman associate at Komito Nurenberg, Plevin, Jacobson, Heller & McCarthy.

**Paul T. Kirner, C-M '72**, has been elected president of the Parma Bar Association for 1978-79.

**Walter S. Kobalka, C-M '76**, has opened his law office at Suite 19, the Executive Club, in Rocky River.

U.S. District Court Judge **Thomas M. Lambros, C-M '52**, and Cuyahoga County Common Pleas Judge **Ann McManamon, C-M '50**, were considered to be among the finalists for the open seat on the Sixth Circuit Court of Appeals.... Marshall alumni are also among those mentioned for the two new seats on the Northern District of Ohio Bench.

**Charles W. Lazzaro, C-M '52**, with offices at 1236 Engineers Building, announces that **Blaise Giusto, C-M '70** and **Charles B. Lazzaro, C-M '74**, are now partners in the firm known as Lazzaro, Giusto & Lazzaro.

**William P. Leahy, C-M '77**, has been elected assistant vice president of Central National Bank of Cleveland's Ohio division. Formerly a corporate banking officer, Leahy joined Central National's management development program in 1971.

**Margaret Mahoney, C-M '29**, former member of the Ohio House and Ohio Senate, was among 20 women inducted into the state Women's Hall of Fame. The establishment of the Hall of Fame was among activities marking the state's 175th anniversary last year.

## Mahoney gets state honor



SCHUSTER



STOKES



SUMMERS



ZUCCO

U. S. District Court Judge **John M. Manos, C-M '50**, gave a series of lectures at the Athens University Law School last summer. Judge Manos, a student of Greek history and language, is believed to be the first U.S. judge so honored.



A TTY TELETYPE device used by deaf people in place of a telephone has been added to the office equipment of **Robert B. Hicks, C-M '78**, in his Williamson Building office. Hicks, reported to be the first attorney in Greater Cleveland with such a communications device, became interested in the legal problems of the deaf soon after he took a sign language course three years ago. This innovation is an indication that members of the legal profession can provide meaningful legal service to the handicapped.

## Rose moves to Guam

**Edmond F. Notebaert, C-M '76**, has been named president of the board of trustees and chief executive officer of Huron Road Hospital. He had been an administrative director at Cleveland Clinic.

**Albert Oberst, C-M '63**, is currently serving as budget analyst with the Cuyahoga County Office of Management and Budget. Oberst, who had been with the Cuyahoga County Office of Manpower Development, was named administrative assistant to then County Commissioner George V. Voinovich last year. When Voinovich was elected lieutenant governor, Oberst was named budget analyst.

**John J. (Jay) Owens, C-M '76**, has joined the firm of Payne & Payne in the Mall Building. Owens had been assistant director of public relations at Cleveland Clinic.

**Michael C. Otto, C-M '78**, has been elected an international officer in the international department of Central National Bank of Cleveland. Otto heads credit administration in the department. He joined the bank as a credit analyst in 1975 and was named credit administrator in the international department in 1977.

**Lucian C. Rego, C-M '70**, former general counsel of the Cleveland Regional Sewer District, has joined the firm of Celebrezze, McGrath, Mauk, Rego & Westley. For six years Rego served as chief legal advisor to the district, becoming a recognized expert in environmental and municipal law, EPA regulations, construction contract law, federal grant regulations and government financing.

**Howard E. Rose, C-M '74**, an assistant Cuyahoga County prosecutor and former East Cleveland law director, has moved to Agana, Guam where he accepted a renewable two-year post with the attorney general's office.



## • Schuster heads U. S. office

**Gail M. Schaffer, C-M '76**, has joined the Metropolitan Health Planning Corporation (MHPC) as general counsel. Before joining MHPC Ms. Schaffer, a registered nurse, served as an assistant public defender for Cuyahoga County. MHPC is the health systems agency (HSA) for Cuyahoga, Geauga, Lake, Lorain and Medina Counties.

**Nancy C. Schuster, C-M '68**, has been promoted to head the criminal division of the federal prosecutor's office. Schuster, the only

## Slough, Gamble

cited by YWCA

Two C-M alumnae were among five women honored in April at the YWCA's third annual Career Women of Achievement Awards luncheon. They are **J. Helen Slough, C-M '29**, and **Ranelle A. Gamble, C-M '72**.

Slough, patent counsel for Squire, Sanders & Dempsey, supervises all SS&D patent, copyright and related matters in administrative and litigation proceedings. Gamble, a vice president of the C-M Alumni Association, is senior attorney with the Illuminating Company.

Slough, a former partner of Slough & Slough which was merged into SS&D, has received the International Women's Year Award and an honor for Distinguished Service in Law. She belongs to the patent and antitrust sections of the ABA and is vice president of the Cleveland Patent Bar Association.

Gamble is listed in "Who's Who Among American Lawyers" and is president of the Cleveland Alumni Chapter of Delta Sigma Theta sorority, the Cleveland Women Lawyers Association and the Greater Cleveland Panhellenic Council. She is a volunteer for the Cuyahoga Plan and Project Friendship.

## • Stokes speaks at CSU program

woman to head a criminal division in a U. S. attorney's office, has been with the office since 1972, most recently heading the white collar crime section.

**Donald S. Stein, C-M '61**, has moved his downtown Cleveland law offices to 1312 Standard Building.

NBC newscaster and former Cleveland Mayor **Carl B. Stokes, C-M '56**, was scheduled to address the CSU Assembly Series April 11 on "Urban America: the Next Decade" as part of the sixth annual CSU Black Aspirations program April 10-20.

**Edward Stillman, C-M '53**, and **Willard Bartel, C-M '69**, representing families of five persons killed while watching the 1973 Cleveland National Air Show at Burke Lakefront Airport, won a verdict of more than \$2 million for their clients in Cuyahoga County Common Pleas Court. The award in the wrongful death and personal injury suit is believed to be the largest amount an Ohio jury has ever awarded in such a case.

## • Sutula joins prosecutor

**William L. Summers, C-M '69**, was honored last August by the National Association of Criminal Defense Lawyers (NACDL) at the association's meeting in San Francisco... **Franklin Polk, C-M '39**, was given a special merit award by the NACDL at the San Francisco convention. Polk is also a member of the ABA standing committee on gavel awards.

**Kathleen Ann Sutula, C-M '76**, has joined the staff of Cuyahoga County Prosecutor John T. Corrigan. Sutula had been law clerk to U.S. District Court Judge Robert B. Krupansky since her graduation from Marshall.

**David Whitehead, C-M '68**, has been named to the Cuyahoga County Library Board for a seven-year term. Whitehead is a member of the NAACP, Citizens League of Greater Cleveland and the Federation for Community Planning.

**Jeffrey Zucco, C-M '70**, is vice president of the Cuyahoga County Criminal Bar Association. **Rubin Guttman, C-M '77**, is treasurer.

## Law Review Board plans issues



OUTGOING LAW REVIEW EDITORIAL Board, (from left) Craig Bonnell, Chuck Bittenbender, Irv Rosner, Peter Kirsanow, Daniel Minkler and Wenda Sheard, discuss the remaining issues to be published in volume 27 of the Cleveland State Law Review. Articles include staff notes and comments and a treatise on Rule 8(C), Ohio Rules of Civil Procedure, by C-M Professor J. Patrick Browne. Subscriptions are available to dues-paying alumni for \$10 per year. Bittenbender, the 1978-79 Editor-in-Chief, will be succeeded in 1979-80 by Patricia Hemann, the first woman elected editor-in-chief of the Review.



## Celebrezze is C-M's first chief justice ...



CELEBREZZE JR.



COLEMAN



STOKES



FEIGHAN

from page 1

James Betts, C-M '76, Patrick Sweeney, C-M '70, Dennis Eckart, C-M '74, and Anthony Russo, C-M '77, were re-elected to the Ohio House.

Re-elected to the Cuyahoga County Common Pleas Court bench were **Daniel O. Corrigan, C-M '63**, **Norman Fuerst, C-M '53**, **James Kilbane, C-M '67**, **Francis Sweeney, C-M '63**, **Frederick Coleman, C-M '53**, **James Celebrezze, C-M '67**, was elected domestic relations judge.

In Lake County, Willoughby Municipal Judge **Richard Hoose, C-M '50**, was elected judge of the juvenile court and **Ross Avellone, C-M '59**, was elected as judge of domestic relations court.

These represent a partial list of C-M alumni elected or re-elected to public office last fall.

## C-M grads head bar groups

Cleveland-Marshall alumni head both Cleveland-area bar associations. **Leo M. DeGrandis, C-M '50**, now a Cuyahoga County Common Pleas judge, was installed as president of the 1850-member Cuyahoga County Bar Association last year and **Andrew L. Johnson, C-M '59**, heads the 4100-member Bar Association of Greater Cleveland (GCBA).

DeGrandis, 57, started his law career as special counsel to the state attorney general. He had been in private practice since 1958 and has served on the Parma Civil Service Commission for 10 years.

Johnson, 47, the first black president in the history of the GCBA, is a hearing examiner for the Ohio Civil Rights Commission and a labor-management arbitrator. He said that fewer than 10,000 of the country's 430,000 lawyers are black.

Johnson has been in the general practice of law since 1960.

## Classes of '29 invited

Invitations are extended to members of the 1929 classes of Cleveland Law School and John Marshall Law School for a "Once-in-a-Lifetime" 50th anniversary reunion. The party will be held in conjunction with the annual C-M Alumni Association open house at the law school June 8.

"Most of the people in our classes are gone," said **Leo Rossmann**, chairman of the reunion. "We've advertised in the Ohio Bar and the Legal News for people to get in touch with us." Anyone who was graduated from either school in February or June, 1929, and who has not received an invitation should call Rossmann at 216/932-1456.

The reunion committee consists of Cleveland Law School graduates **Rossmann**, **William R. Adelman**, **William Fairgrieve**, **Winifred Hodous**, **J. Helen Slough**, **Oscar Johnson** and **Bruce Homer**, and John Marshall graduates **Margaret Mahoney**, **Ben M. Cohen** and **Edward Meyers**.

## The Gavel available to alumni

*The Gavel*, Cleveland-Marshall's student newspaper, is offering one-year subscriptions to alumni and friends for \$6 per year which includes postage and handling. *The Gavel* publishes monthly from September to June.

Interested friends should send their name, address, and \$6 check to:

Business Manager  
The Gavel  
Cleveland-Marshall College of Law  
Cleveland State University  
Cleveland, Ohio 44115



## Nancy Goldman sees job as counselling, p.r.

C-M's new full-time placement director, Nancy S. Goldman, sees her job as a combination of counselling C-M students and alumni and handling public relations on their behalf.

Goldman, who joined C-M in November after three years as female placement counsellor for the Jewish Vocational Service (JVS), spends about "50% of my time counselling students and alumni on resumes, cover letters and how to present themselves and 50% of my time in field work, talking to firms, corporations, banks, judges and governmental agencies."



She urges job seekers to explore job possibilities on their own as well as through her office and warns students and alumni not to be discouraged by too many unproductive interviews. "Each interview is better than the one before, and you learn from each one."

Goldman expressed concern for the 90% of the students who do not finish in the top 10% of their class and implied that these are the ones who need a placement person most. These people should stress "a unique quality that someone else does not have," such as a marketable undergraduate major, volunteer activities, previous employment or hobbies.

"You may run into a potential employer with a similar bowling average," she said.

Goldman has visited CWRU and plans to visit other law schools and is developing contacts among alumni and others.

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**"You may run into a potential employer with a similar bowling average."**

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A Cleveland native with an A.B. from Brown, Goldman has been an advertising copywriter, a high school composition aide and a Weight Watchers training supervisor. Her job at JVS was placing women who ranged from high school graduates to Ph.Ds. She has found no problem working with men as well.

As for sex, race and age discrimination in the law job market, Goldman says it is too early for her to tell whether they exist but she is watching for and attempting to cope with any such problems brought to her attention.

At JVS she was involved in job search and job development, two functions she plans to try at C-M. Job development specifically pursues contacts that

lead to jobs. A job search places the job seeker in a one-to-one interview, arranged by Goldman, with anyone in the candidate's field from whom he or she can get advice on where one, with his or her qualifications, would fit.

"Often job search interviews end up in a job, but the primary purpose is informational and these interviews are more relaxed than a job interview. It could work here if someone would spare a half an hour to give students suggestions."

Two alumni, **Patricia Kleri, C-M '76**, and **Terry Gravens, C-M '77**, both of whom served as law clerks at the Eighth District Court of Appeals, led a program at Marshall in April on applying for judicial clerkships.

Goldman wants to involve other alumni in the job search program, including those in smaller firms or solo practice who are not in a position to hire anyone but who have contacts within the bar associations or know of friends who are hiring.

She confirmed what many C-M job seekers have discovered — the job market is tight. "It's tight for any professional now," she said, "but if one is willing to wait a period of time or to accept an allied position, the situation doesn't appear to be too grim."

### *from the placement director*

There's a new look in Room 125, the Placement Office. Plants are growing, the decor is different and the furniture has been moved. And the face behind the desk is new too. Most of you know by now that, as the new Placement Director, I have been actively recruiting jobs for both students and alumni. I'd like to meet each of you individually, but this is an impossibility. Therefore, if you hear of any jobs, please let me know. ... At this time of year there is the usual last-minute flurry of interviews, job offers and even resume updating. The Placement Office has been bogged down with requests for help in finding summer jobs, work-study opportunities and full-time jobs for evening students. We're also scheduling on-campus fall interviews. Never a dull moment. ... Our "spare time" is taken up with the Judicial Clerkship study (surveying all the judges in the State of Ohio), our 1978 graduate study (if you haven't returned your questionnaire, DO IT NOW!), a new Placement brochure, scheduling seminars for the students (on interviewing, etc.) and making new contacts. ... If you're ever up our way, drop in to Room 125 — The "pot is always on," and I'm always eager to share a cup of coffee and make a new friend.

*Nancy Goldman*  
Placement Director



# State has power to run city finances

By HAROLD W. BABBIT, Associate Professor of Law

Mayor Dennis Kucinich has warned that Governor Rhodes is attempting to take over the City of Cleveland with his state Financial Control Board legislation. How can this be? After all, Lieutenant Governor George Voinovich said in late December, 1978, that Clevelanders must help themselves because the state is powerless to intervene in Cleveland financial affairs due to its "home-rule" status under the Ohio Constitution. State Auditor Ferguson has also occasionally pointed out that his hands are tied.



The curious notion that Cleveland is a city-state, a government so independent from Ohio that the state must sit idly by, springs from the "home-rule" provision, Section 3 of Article XVIII, of the Ohio Constitution: "municipalities shall have authority to exercise all powers of local self-government. . . ." This provision was adopted in 1912 to abolish the legal doctrine that cities were mere creatures of the state and had only such powers as were granted from time to time by the General Assembly, a doctrine that had been conveniently — and often incorrectly — invoked by city officials to excuse municipal inaction: "We would like to help you but the state has not given us the power to act." The 1912 change was designed to strip the city officials of their excuses and give cities the powers they needed to govern themselves.

Nevertheless, the city-state notion is invalid because it ignores two other provisions in the Ohio Constitution which give specific authorization to the state to intervene in municipal finances in language which seems particularly apt to the Cleveland situation: "The General Assembly shall . . . restrict [municipalities] power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent the abuse of such power." (Section 6 of Article XIII, adopted in 1851.) And also, "Laws may be passed to limit the power of municipalities to levy taxes and incur debts for local purposes, and may require reports from municipalities as to their financial condition and transactions . . . and may provide for the examination of the vouchers, books and accounts of all municipal authorities . . ." (Section 13 of Article XVIII, adopted in 1912.)

Here is ample authority for the state to take action. In addition, even the "home-rule" constitutional provision refers only to "powers of local self-government" and the Ohio Supreme Court has held that the exercise of a power by a city which has

extraterritorial impact is not a power of local self-government but is a matter for the General Assembly. Any suburban official can testify to the spill-over effect of the Cleveland situation on his suburb's financial standing; thus even under the "home-rule" provisions the state has the power to act.

So the Mayor is right. The state has the power to take over financial control of Cleveland once the appropriate legislation is enacted by the General Assembly. The Voinovich position of December has been replaced by Governor Rhodes' plans of January to intervene if necessary.

Governor Rhodes' position is encouraging. The Voinovich position was disturbing in that it was reminiscent of previous instances where a political position was cloaked in the dignity of law, such as the state's initial indifference to local school closings, justified on the ground that "local control of schools" dictates such closings if that is what the local citizenry wants. State politicians pointed to state statutes insuring local control as justification for their inaction, ignoring the mandate upon the General Assembly contained in the Ohio Constitution to "secure a thorough and efficient system of common schools throughout the state. . . ." (Section 1 of Article VI.) As a result, the state effort (or more accurately, lack of effort) to finance local schools was held unconstitutional by a state court of appeals. Here, too, Governor Rhodes has indicated a desire to rectify the situation, without waiting for a decision from the Ohio Supreme Court (although it is doubtful his plans meet the unconstitutionality issue).

Now that the state has realized that it has the power to help with Cleveland finances, I trust that it will act with alacrity if help is needed, and that the Mayor will continue to concede that the State has that power. Cleveland cannot afford unnecessary judicial ruminations on home-rule.



Yes, I'm from Cleveland, but let me assure you that I had nothing to do with the default.



meet the faculty

## Liz Moody, expert at corporate deals, had trouble finding a job at first

Lizabeth A. Moody, one of the first women in the C-M faculty, is an expert in non-profit and closely-held corporations, corporate tax and "making deals;" she is an Ohio Public Defender Commissioner and, until recently, was a member of the HEW Civil Rights Reviewing Authority.

But in 1960 Moody came to Cleveland with a Yale law degree, a year's experience in litigation and had trouble finding a job. "No one wanted women — or anyone whose husband worked for Squire, Sanders & Dempsey." She met J. Helen Slough, an expert in patent law, who warned Moody that Cleveland was "a bad town for women attorneys." Moody worked for Slough as an associate and, after further developing her skills, Moody was hired by and eventually became a partner in Metzenbaum, Gaines, Krupansky, Finley & Stern, now Gaines, Stern, Schwarzwald & Robiner. Moody left the firm when she began teaching full-time at C-M in 1970.

At one point "a prominent firm offered me money beyond my wildest dreams for my expertise," she said, "but they wanted to give me a month-to-month contract and would not put my name on the letterhead."



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**"When husbands and wives work for different law firms ... there's no conflict of interest."**

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No stranger to sex discrimination, the Yale Law School graduate was, with fellow Yale Professor Jane Picker, a co-founder of the Women's Law Fund.

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Liz Moody was born in Johnson City, Tenn., attended high school in Dayton and then Barnard College on a Junior Achievement scholarship that required her to edit a J.A. magazine while in school.

She went to law school with her family's blessing. "My father was a feminist. He said I should learn a trade because it was clear I couldn't type."

While at Yale "I was the first woman interviewed by Squire, Sanders for their summer program. They even

brought me to Cleveland but it was clear they weren't going to hire a woman."

After her graduation from law school in 1959, she passed the Connecticut Bar, got a job and married Alan Buchmann who earned his LL.B. from Yale in 1960. She kept her maiden name, she said, because "I like my name. And I'm the last member of my family." She has no siblings nor Moody cousins.

Even though Moody was not hired by SS&D, she was impressed with the firm and recommended it to Buchmann. Now a partner at SS&D, he was hired in 1960 and the two of them came to Cleveland on a bus with boxes of books and \$300. "We spent \$260 of it to take the Ohio Bar Review Course," she said.

"When husbands and wives work for different law firms and the firms litigate against each other, there's no conflict of interest," Moody observed. "The same rules should apply to spouses as to fathers and sons or brothers," she said.

"Our firms often litigated against each other," said Prof. Moody, "and we were very close-mouthed about business at home. But to say that husbands and wives

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**"They didn't think that a women could teach all of those older men ..."**

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can't work for opposing law firms would mean that a lot of people would not be able to practice in the same city."

While at Gaines, Stern, her clients ranged from small corporations to an international union. Moody became skilled in making corporate deals, an art she tries to impart to students in her corporate planning institute. She also became interested in non-profit organizations and is writing a casebook on the subject with Clyde Lindsay of Northern Kentucky.

"Cleveland-Marshall is a center of research for non-profit organizations," she said. "Professor Emeritus Howard Oleck had written an outstanding treatise on the subject," she said.

Her interest in non-profit corporations and in sex discrimination led to the founding of the Women's Law Fund in 1972.

The Women's Law Fund, a national public foundation based in Cleveland, is funded by the Ford Foundation to offer legal services on women's issues involving employment, education, government benefits and insurance. Most cases involve employment discrimination.

**Continued on page 24**



## • Aldrich obtains Pike & Fischer

Professor Ann Aldrich was on released time from the law school last spring serving as interim chairman of the board of directors of the Citizens Communications Center, the leading public interest law firm in Washington, D.C., a firm committed to creating access to the broadcast media. **Prof. Aldrich** succeeded Henry Geller, who was appointed undersecretary of commerce by President Carter ... In March, 1978 **Prof. Aldrich** spent nearly a month as a fellow at the Harvard-sponsored Salzburg Seminar in Austria considering problems of international telecommunications. She was one of six American participants among 44 from 17 different countries ... In April, 1978, **Prof. Aldrich** organized a day-long continuing education course on Legal Aspects in Communications — Update. **Professor Joan Baker** discussed the Freedom of Information Act and **Prof. Aldrich** discussed equal opportunity rights ... **Prof. Aldrich** was guest speaker at the CSU Alumnae Association's Senior Recognition Day program discussing "New Roles for Women in the Media." ... As part of the library campaign **Prof. Aldrich** obtained a gift of 17 volumes of Pike & Fischer Radio Regulations from the National Cable Television Association in Washington. These volumes, which were out of print when the library bought its original set, are believed to give C-M one of only two complete sets of Pike & Fischer in Cleveland.

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**Associate Professor Harold W. Babbitt** presented a workshop to Ohio Municipal attorneys on "Constitutional Limitations on the Zoning Problem" in February, 1978. . . . **Prof. Babbitt's** updated article of Ohio's right to intervene in Cleveland's financial situation, published at page 11, originally appeared in The Cleveland Press.

## • Baker hosts radio show



ALDRICH



BROWNE



SHETTEL



MORSE



RUBEN



GARD

## BULLETIN

**Cleveland-Marshall's first timers in the February, 1979 Ohio Bar Exam scored a 97% pass rate — the highest among the nine Ohio law schools. Fifty-seven of C-M's 59 first-timers passed.**

**Toledo was second with a 96% pass rate for first timers — 48 out of 50.**

**Overall C-M's February pass rate was 85.1%. The state average was 86%.**

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**Professor Joan Baker** is now an elected member of the American Law Institute (ALI) which writes and publishes the Restatements of the Law. ... **Prof. Baker** has also been hosting a weekly half-hour radio program, CSU Forum, since May, 1978. It is broadcast at 8:30 on Sunday mornings on WGAR, 1220 AM.

## • Browne article reprinted

**Professor J. Patrick Browne's** article, "The Demise of the Declaratory Judgment Action as a Device for Testing the Insurer's Duty to Defend: A Postscript," which first appeared at 24 Cleve. St. L. Rev. 18 (1975), has been reprinted at 10 International Society of Barristers Quarterly 313 and has been quoted in the Defense Research Institute's recent monograph, "Insurer's Duty to Defend."

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## Law School League meets at Marshall

Representatives of the nine colleges belonging to the League of Ohio Law Schools met at Cleveland-Marshall April 27. Highlight of the meeting was a three-hour program in which Professor Howard Fink discussed Ohio State University's computer grading program.

The League meeting, the first in recent years to be held at a law school, included informal tours of the new C-M and Case Western Reserve University law buildings.

Separate meetings were held for financial aid officers, chaired by C-M's Marlene Shettel; professor-law librarians, chaired by C-M's Anita Morse; and placement officers, chaired by C-M's Nancy Goldman.

Other discussions concerned continuing legal education, Professor Alan Myles Ruben, C-M; defamation, Assistant Professor Stephen W. Gard, C-M; legal writing, Professor Oliver Schroeder, CWRU; and clinical legal education, Professor David Barnhizer, C-M.

Besides OSU, CWRU and C-M, other schools represented at the League meeting were Cincinnati, Dayton, Capital, Ohio Northern, Toledo and Akron.



## • Cohen discusses labor law

Professor Edward Chitlik discussed the Bankruptcy Reform Act of 1978 at the National Exterior Building Products Credit Association in Birmingham, Ala., and at the National Appliance Manufacturers' Credit Association in Atlanta, both in January.

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Professor Hyman Cohen has presented several speeches and appeared on several panels discussing recent developments in labor law and arbitration. In March, 1978, **Prof. Cohen** directed a workshop on arbitration in discharge and discipline cases at the Second Annual Federal Mediation and Conciliation Service (FMCS) Region Four Arbitrator Symposium in Romulus, Michigan. ... **Prof. Cohen** discussed the "Administration of the Collective Bargaining Agreement" with the Stark County Personnel Association in Canton in April, 1978. ... He spoke on "Current Developments in Collective Bargaining and the National Labor Relations Act" at the Cleveland Labor Conference held at Cleveland-Marshall in September. ... **Prof. Cohen** spoke to the American Arbitration Association on "How Arbitrators Reach Decisions" in December at the Bond Court Hotel and discussed "Labor Disputes in the Public Sector" at Fairmount Temple's Sunday Morning Forum in January. ... In April at the Bond Court Hotel **Prof. Cohen** moderated a panel discussing the impact of legislation on collective bargaining at the sixth annual Seminar on Collective Bargaining co-sponsored by CSU's Industrial Relations Center and the FMCS.

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Professor James T. Flaherty discussed living wills and nurses' records as legal records with nursing students at Fairview General Hospital last fall.

Associate Professor David F. Forte published two short com-

## • Forte publishes Mid-East comments



CHITLIK



COHEN



FORTE



GOSHIE

ments on Middle Eastern law in the April, 1978, issue of the American Journal of Comparative Law. ... He attended the meeting in April, 1978, of the American Society of International Law ... **Prof. Forte** prepared a report on the American law of obscenity for a British commission on obscenity. ... During the summer **Prof. Forte**

## • Garlock writes on children

and **Prof. Elizabeth A. Moody** attended a seminar at the University of California at Berkeley on ancient law sponsored by the National Endowment for the Humanities. ... **Prof. Forte** published an article on teaching natural law in the Journal of Legal Education and is publishing a secondary school text on the U.S. Supreme Court. An article on "Islamic Law: The Legacy of Joseph Schacht" was to be published earlier this year in the Loyola International and Comparative Law Annual. ... **Prof. Forte** participated in a conference on "Rights Theory" in San Diego sponsored by the Institute for Humane Studies and gave a lecture on Islamic law at Harvard in April.

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An article by **Associate Professor Peter D. Garlock**, "Wayward Children and the Law, 1820-1900: The Genesis of the Status Offense Jurisdiction of the Juvenile Court" was scheduled to be published in the Georgia Law Review in April.

## Marshall Fund to bring Ginsburg



CLEVELAND-MARSHALL FUND VISITING scholars for the 1978-79 school year were (from left) Professor Guido Calabrese, nationally-known expert on tort law; Professor John Kaplan, evidence specialist, and Professor Clyde W. Summers, outstanding labor law scholar. Visiting scholars spend two days on campus, culminating their stays with a formal Cleveland-Marshall Fund lecture, many of which are published in the Cleveland State Law Review. Engaged as 1979-80 visiting scholars are Professor Ruth Bader Ginsberg of Columbia University, scheduled for November, and Dean Sanford Kadish, University of California at Berkeley (Boalt Hall), scheduled for May. Negotiations have been concluded with Ronald R. Dworkin of New York University who also holds the chair of jurisprudence at Oxford, leaving only the dates to be arranged, according to C-M Professor David B. Goshien, Cleveland-Marshall Fund chair.



## Greenwood named assistant to Dean

Professor David B. Goshien served as reporter for the Cleveland Conference on Tax Simplification in April, 1978 and delivered a paper on "Contract and Public Policy" at Cleveland-Marshall's conference on small corporations in September, 1978.

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Walter Greenwood, Jr., C-M's placement officer from 1974 to 1978, was named assistant to the dean in fall quarter, 1978. Mr. Greenwood, a retired U.S. Army colonel, has been with Cleveland-Marshall since 1970. He holds degrees from the Virginia Military Institute and George Washington University and was on the Command and General Staff College and the National War College.

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Professor Sidney B. Jacoby was elected to the American Law Institute. ... At the request of Prof. Arthur von Mehren, Harvard Law School, Prof. Jacoby commented in

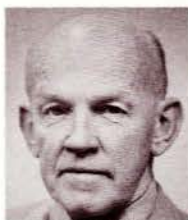
## Supp. available to Browne's Notes

Supplementary material to *Introduction to Ohio Civil Procedure*, popularly known as "Browne's Notes," is available at the law school support services office at 5¢ per page and is on reserve (and suitable for Xeroxing at 5¢ per page) at the C-M library.

The two-volume treatise, prepared by C-M Professor J. Patrick Browne, had been used by his civil procedure and motion practice classes since about 1974 but is now out of print. "It won't be reprinted," said Browne, "because it can't be done for less than five cents per page." The original volumes total nearly 1900 pages.

Nevertheless Browne has been collecting material to update the notes and "so far it's about \$5.00 worth," he said.

## Kuhns writes for Yale L.J.



GREENWOOD



JACOBY



KELLMAN



KUHNS



ROSENBERG



SHEARD

detail on a long draft which a British professor had written on the laws of French and German government contracts for the International Encyclopedia of Comparative Law. ... Prof. Jacoby's article, "A Proposal for Modification of the Ontario Appellate Practice" was to be published in the new United States/Canada Law Journal issued by CWRU in March, 1979. ... Prof. Jacoby has just completed an article on the Contracts Disputes Act of 1978.

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Assistant Professor Barry Kellman was to publish an article on "Vertical Territorial Restrictions and the Limits of Planning" in the summer issue of the Antitrust Law Journal.

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Professor Richard B. Kuhns' article, "The Summary Contempt Power: A Critique and a New Perspective" was published at 88 Yale L. J. 39 (1978).

## Morse trains FDA consumer advocates

Assistant Professor Stephan Landsman's article, "Can Localities Lock the Doors and Throw Away the Keys? Fiscally Motivated Suspensions of Public Education Programs: A Proposed Equal Protection Analysis" was published in the July, 1978, Journal of Law and Education.

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Professor and Law Librarian Anita L. Morse participated in a Food and Drug Administration program co-sponsored by the George Washington University Law School in Pittsburgh last June as a trainer in consumer advocacy for state consumer representatives. ... Prof. Morse mediated a panel on Clinical Legal Education in Rochester, N.Y. at the June convention of the American Association of Law Librarians (AALL). Among the panelists was Associate Professor David Barnhizer, director of C-M's Legal Clinic. ... In August Prof. Morse discussed new methods of teaching legal research at the Southeast Chapter of AALL meeting in Lexington, Ky. ... In September Prof. Morse headed the CSU Support Services Task Force. ... At the AALS convention in Chicago in January Prof. Morse directed the continuing law library education workshop. ... Just before Prof. Morse left the University of Detroit School of Law last year, she was given the Outstanding Faculty Member award by the school's Moot Court board.

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Distinguished Professor Emeritus Howard L. Oleck recently published an historical paperback novel, *The Lion of Islam*. ... His column, "Law for Living" appears in more than 40 newspapers in North Carolina ... Prof. Oleck resigned from Wake Forest University School of Law last fall and is now on the faculty of Stetson University College of Law, St. Petersburg, Florida.



## faculty notes

### • **Rosenberg is v.p. of ABA group**

Professor Jane M. Picker was among the participants in the May, 1978, Judge Bernard Ostrovsky Forum in Cleveland Heights. Judge Ostrovsky, a Marshall graduate and judge of Cleveland Heights Municipal Court, died in 1968. The annual forum honors his memory. The panel in which **Prof. Picker** participated was entitled "Human Rights: National and International."

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**Assistant Professor Ronald H. Rosenberg** has been nominated vice chairman of the Urban Environment subcommittee of the ABA Natural Resources Bar section. ... **Prof. Rosenberg** recently published "The Location of Industrial Sources of Air Pollution in Non-Attainment Areas" in 11 Natural Resources Lawyer 511 (1978). His article, "Federal Environmental Review Statutes," is scheduled to appear in Volume 27 of the Cleveland State Law Review.

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**Professor Alan Miles Ruben** addressed the Federal Mediation and Conciliation Service's regional arbitration symposium in Cincinnati in March on "The Use of Prior Awards and Decisions of Other Agencies in Arbitration Proceedings."

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**Professor Kevin Sheard** served as discussion leader for "Censorship in the Library" for the Ohio White House Conference on Libraries and Information Services in May, 1978. ... In January he discussed censorship and literature with a Cleveland club "which prefers to avoid publicity," according to **Prof. Sheard**.

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**Marlene Shettel**, financial aid administrator, completed her first year in the student aid world by passing the first provisional certification exam of the Ohio Association of Student Financial Aid Administrators. In the inaugural

### • **Sheard leads censorship talk**

### • **Shettel certified**



THE JOSEPH W. BARTUNEK III Law Library was formally named after the 1955 C-M graduate who was one of the founding members of the CSU Board of Trustees at ceremonies at the law school last fall. Dean Robert L. Bogomolny congratulates Bartunek as Chairman Robert Storey of the CSU trustees and CSU President Walter Waetjen look on. Dean Bogomolny reports that the \$1 million library fund drive has reached more than two-thirds of its goal. Alumni will be actively solicited soon, the dean added.

year of certification 10 veteran administrators, including CSU's Financial Aid Director William R. Bennett, were professionally certified. **Ms. Shettel** joins Barbara Grothe and James Malloy of CSU and 56 other Ohioans to be provisionally certified from among 248 eligible members of the association.

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**Assistant Dean Janice Toran** discussed "A Career in Law" at career day last spring at Denison Elementary School in Cleveland.

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**Wolf Von Eckardt**, Albert A. Levin Professor of Urban Studies, discussed "Law, Lawyers and the Urban Problem" in **Professor Alan Miles Ruben's** local government law class last fall. Prof. Eckardt's contribution was described by Prof. Ruben as "a significant contribution to the inter-disci-

plinary approach to the study of law."

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**Professor Robert J. Willey** has published two articles, participated in two discussions and argued in the Ohio court of appeals. The Case for Preferential Admissions appears at 21 Howard L.J. 175 (1978) and The Proposed Ohio Juvenile Code of 1977-78 is published at 39 Ohio State L.J. 273 (1978). ... **Prof. Willey** discussed "Legal and Zoning Issues in Foster Home Placement" at the Ohio Youth Commission's Community Care Conference in September and he spoke on the implications of the Bakke decision before Phi Delta Kappa in October. ... **Prof. Willey** wrote the appellate brief and argued before the Ohio Fifth District Court of Appeals on the validity of a zoning resolution used to exclude foster homes which accepted direct placements from the Ohio Youth Commission in *Carroll v. Washington Township Zoning Commission*.



# Juvenile Justice Task Force supports legislative reform

By ROBERT J. WILLEY, Professor of Law

Juvenile reform legislation is currently under consideration in the Ohio General Assembly. House Bill 460, passed by the House last year, was recently introduced as Senate Bill 106. The juvenile judges opposed H.B. 460, but have recently introduced S.B. 85 which accepted some of its reforms.

I would like to analyze these bills and support passage of S.B. 106.

First, I would like to emphatically deny that H.B. 460 deprived the juvenile courts of any power or jurisdiction over children who commit crimes.

We, on the Juvenile Justice Task Force, agreed that the court's power to waive serious offenders for trial as adults should be continued exactly as before. The jurisdiction over children who commit lesser crimes was not diminished, though in line with the trend toward definite sentencing, H.B. 460 limited the time a child could be held to the maximum term for which an adult could be sentenced for the same crime. The House reduced the maximum term to the minimum sentence specified in the criminal code for adults.

Consistent with most recent recommendations we modified the court's jurisdiction over status offenders. We eliminated vague language such as disobedient, deports, morals, disreputable, vagrant, vicious, crimi-



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**Many think juvenile courts harm status offenders making it likely more will become criminals ...**

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nal, notorious and immoral, but continued jurisdiction over children who are truant from home or school or found in a place prohibited by law, as well as those who violate any law concerning sexual conduct, marriage, employment or any other law applicable to a child.

Many think juvenile courts harm status offenders and make it likely that more will become criminals in the future. The court's power over truants from home has not solved the runaway problem; nor has its power over truancy caused children to go to school. Such

problems can only be solved by the families or schools.

In addition, the court's coercive power may have caused children who are having trouble at home or school to run away and engage in crime to support themselves. The legislation prohibited their commitment to the Ohio Youth Commission (OYC), and limited their commitment to secure and non-secure facilities.

S.B. 85 eliminates the label of "unruly" but continues every power over status offenders currently in our present legislation. The bill limits commitment of children to secure facilities to 90 days, but continues the power to declare them delinquent if they violate a court order, and commit them to our very expensive OYC institutions. There is no valid legal, moral or correctional premise that will justify commitment of children who do not violate a criminal law to the Ohio Youth Commission and § 2151.02(B) should be repealed.

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**Community programs are cheaper, do a much better job, but state appropriations are needed to start them ...**

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H.B. 460 did have a fiscal impact on small counties. It prohibited continued detention of children in adult jails, required that referees be lawyers, and emphasized community treatment. Since this movement to local detention and correctional facilities and programs involves some cost, H.B. 460 recommended closure of Fairfield and use of that money to subsidize this movement. The Task Force and the OYC agreed that Fairfield harmed juvenile justice and was unneeded. Only 414 of the 2500 youths at OYC had been committed for a violent offense.

All groups agree that the smaller counties need help to start community programs, and the total amount spent on juvenile justice will ultimately be less. Community programs are cheaper, do a much better job, but state appropriations are needed to start them and to subsidize their operation.

The movement to community corrections started in California in 1963, has been expanded each year since then, and has saved that state millions of dollars. It has worked better than institutional programs; and there has been no loss of community safety.

**Continued on page 22**



# ALUMNI DEATHS

## Edward R. Becker, Jr.

Edward R. Becker, Jr., C-M '68, spent four years with the Legal Aid Society of Cleveland before entering private practice specializing in criminal law as a partner in the Cleveland firm of Hardiman, Becker, Feld & Riffe. He was 35 when he died in March, 1978.

## Hyman J. Blum

Hyman J. Blum, C-M '25, was considered one of the most successful divorce lawyers in Cleveland before his death in January at the age of 75. Mr. Blum often gave free advice and legal assistance to clients who could not afford to pay. He served on the Selective Service Board during World War II.

## E. Dana Brooks

E. Dana Brooks, C-M '26, received the Cuyahoga County Bar Association's Public Servants award in 1965 for his championship of children's rights. Mr. Brooks was director of the Domestic Relations Division of Cuyahoga County Common Pleas Court from 1937 to 1970 after serving as legal counsel for the Cleveland Humane Society for eight years. He was also legal counsel for the old Cleveland Children's Bureau and the Jewish Children's Bureau. Mr. Brooks died in December at the age of 74.

## William E. Callahan

William E. Callahan, C-M '20, maintained law offices in both Cleveland and Vermilion where he lived for several years until he closed his Cleveland office in 1973. Mr. Callahan, a former member of the Vermilion School Board, died in October at the age of 81.

## Judge John F. Clair, Sr.

Judge John F. Clair, Sr., C-M '32,



MR. BECKER



MR. BLUM



MR. BROOKS



MR. CALLAHAN

served as Willoughby Municipal Court judge from 1952 when the court was established until he retired in 1971. Earlier in his career he was a justice of the peace of Willoughby Township for 20 years and served as law director of Willoughby for 16 years. Judge Clair served with the cavalry during World War I and was on the Lake County Selective Service Board during World War II. He died in July at the age of 77.

## Edward M. Greenwald

Edward M. Greenwald, C-M '61, sports investor, restaurateur, corporate and tax attorney, died in March, 1978, at the age of 43. He was a partner in the firm of McCarthy & Greenwald, until he retired in 1977. Mr. Greenwald was among the Clevelanders who invested in the New York Yankees in 1973 and wrote the \$3.7 million contract when the Yankees signed pitcher Jim (Catfish) Hunter in 1974. He was also a partner in the Samurai Japanese Steak House and the firm which operates Arby's restaurants in Pittsburgh and Milwaukee. In addition to his J. D. Mr. Greenwald earned an LL. M. from Western Reserve University and a doctorate from C-M in 1968.

## Chester B. Gynn

Chester B. Gynn, C-M '58, served as a substitute judge and referee in Lakewood Municipal Court for eight years before his death in March at the age of 51. Mr. Gynn earned his undergraduate degree in engineering after serving in the Navy during World War II and earned his law degree while working for General Electric Co. and McGraw-Hill publications as an engineer.

## Msgr. Edward J. Halloran

Msgr. Edward J. Halloran, C-M '38, was ordained a priest in 1940 and served in the Cleveland Catholic Diocese until his retirement in 1973 as pastor of St. Thomas More Church. He had also served as diocesan director of the Holy Name Society, director of the Sodalities Union for Greater Cleveland colleges and nursing schools, chaplain for the Knights of the Alhambra and adviser to the Family Life Bureau. Msgr. Halloran was 70 when he died in Arizona where he had moved after retiring.

## Herbert G. Haserodt

Herbert G. Haserodt, C-M '31, was an attorney for the Illuminating Company for 25 years before his retirement in 1962. He died in March at the age of 82.

## Thomas M. Kennedy

Thomas M. Kennedy, C-M '21, specialized in corporate, probate and real estate practice for 54 years until his retirement in 1976. He died in April, 1978, at the age of 82.

## Paul S. Kisil

Paul S. Kisil, C-M '54, was a Parma councilman from 1967 until 1976 when he was hired as purchasing agent for the city. Before becoming Parma purchasing agent, Mr. Kisil was an accountant



# ALUMNI DEATHS

for the Kroger Co. for 22 years. He served with the Air Force and the Signal Corps during World War II and joined the Foreign Service as a translator in 1944. He spoke Ukrainian and Russian. Mr. Kisil was 58 when he died in August.

## John C. Lyon

John C. Lyon, C-M '41, was an attorney for the Nickel Plate Railroad from 1941 to 1952 before entering private practice to specialize in criminal law. Mr. Lyon, 69, died in November.

## Judge Ray C. Miller

Judge Ray C. Miller, C-M '44, retired Cleveland municipal judge and long-time Cuyahoga County elections director, died in December at the age of 76. His first political venture was a seat on the Cleveland School Board which he won while on the faculty of John Carroll University in 1931. He served as president of the school board and taught at Carroll until 1938. He was elected Ward 9 councilman, serving from 1937 to 1945 when he ran for mayor against incumbent Thomas A. Burke. After his defeat Mr. Miller was appointed to the board of elections which he headed until 1967 when he was appointed to the Municipal bench by Governor Rhodes. He was elected to the municipal bench in 1969 where he served until he retired in 1975.

## Valle F. O'Donnell

Valle F. O'Donnell, C-M '53, was a specialist in litigation and products liability for the firm of McNeal, Schick & Archibald in Cleveland. He died in August at the age of 54.



MR. GYNN



MR. LYON



JUDGE MILLER



MR. O'DONNELL

## Herman A. Osher

Herman A. Osher, C-M '28, served as assistant attorney general in the early 1960s but spent most of his legal career specializing in real estate and probate practice. He retired in 1977 and moved to Florida where he died in April, 1978, at the age of 69.

## Myron Penty, Jr.

Myron T. Penty, Jr., C-M '40, a justice of the peace for the former Warrensville Township, died in May at the age of 64. Mr. Penty succeeded his father as justice of the peace until the office was abolished in 1957. He maintained a law practice in downtown Cleveland.

## Harold C.L. Reich

Harold C. L. Reich, C-M '33, practiced law part-time after he opened and operated a bar and restaurant in East Cleveland in 1940. Until opening the Euclid-Taylor Buffet he had an office in downtown Cleveland. Mr. Reich died last year at the age of 70.

## M. Alfred Roemisch

M. Alfred Roemisch, C-M '28, a trial lawyer for more than 50 years, specialized in labor and

commercial law. He founded the firm of Roemisch & Wright in 1932. He also served as law director in Highland Heights, helped establish medical health insurance programs, wrote the auto title law adopted by most states and was a founder of the predecessor of Blue Cross. Before becoming a lawyer Mr. Roemisch, who died in September at the age of 71, had been a reporter for the old Cleveland Leader and Cleveland Times.

## Paul Sherwin

Paul Sherwin, C-M '42, was a lawyer for 34 years until he retired in 1972. He died in June, 1978, while vacationing in Rome.

## Jeffrey Stein

Jeffrey Stein, C-M '77, collapsed while jogging in September and died at the age of 27. Mr. Stein practiced law with his father, Stanley E. Stein, C-M '62, and also served as a referee for Cleveland Heights Municipal Court.

## Judge Michael A. Sweeney

Judge Michael A. Sweeney, C-M '51, was stricken with a rare neurological ailment shortly after he was elected to the Cuyahoga County Common Pleas Court bench but continued to do court work at home until his death at age 57 in December. Judge Sweeney was a marine corps lieutenant in the Pacific Theatre during World War II. He served as an assistant county prosecutor from 1955 until 1957 when he was elected to the first of five terms in the Ohio house. He gave up his seat in the legislature in 1966 to wage two unsuccessful campaigns for the 20th district Congressional seat. After supporting James V. Stanton's successful effort for the seat in 1970, Mr. Sweeney was named administrative assistant to the new congressman, administering Stanton's Cleveland-area office for six years.



# ALUMNI DEATHS

## Esther B. Taft

Esther B. Taft, C-M '29, joined the legal department of Central National Bank after her graduation from law school and remained there until her retirement in 1958. Ms. Taft was 83 when she died in June, 1978.

## Ida R. Toubkin

Ida R. Toubkin, C-M '25, had a law office in Cleveland for a short time but spent most of her career as a legal secretary. Ms. Toubkin was secretary to lawyer Suggs I. Garber before moving to California in 1949 where she was a legal secretary in Beverly Hills for 25 years. She returned to Cleveland in



JUDGE SWEENEY



MR. LEWITT



MR. VanDUZER



MR. WHITMER

1973. Ms. Toubkin died in June, 1978, at the age of 79.

## Ashley M. Van Duzer

Ashley M. Van Duzer, C-M '17, was a member of the firm that became Arter & Hadden for 49 years until his retirement in 1967 from the firm then known as Arter, Hadden, Wykoff & Van Duzer. From 1942 to 1961 Mr. Van Duzer represented Ohio Bell in all rate cases before the P.U.C.O. and in the 1950s was special counsel to the City of Lakewood in its attempt to reroute the Rocky River Bridge around homes in Clifton Park. Mr. Van Duzer died in March, 1978, at the age of 81 in Florida.

## Elmer J. Whiting

Elmer J. Whiting, C-M '37, never practiced law despite having his law degree. Mr. Whiting retired from his position as a bailiff in Cleveland Municipal Court in 1966. From 1922 to 1932 he worked as a clerk in the main post office and then joined Municipal Court as a deputy clerk. He received the Cuyhoga County Bar Association's outstanding public service award in 1966. Mr. Whiting was 83 when he died in February.

## Roman T. Keenan, admiralty specialist

At the time of his death in April, 1978, Adjunct Prof. Roman T. Keenan, a specialist in admiralty law, was involved in legal matters concerning the sinking of the ore boat Edmund Fitzgerald.

Mr. Keenan, who was 59 when he died, was a recognized expert in maritime law in Great Lakes shipping circles in the United States and Canada and he represented many major Great Lakes fleets including those of the U.S. Steel Corp. and Cleveland-Cliffs Iron Co.

Mr. Keenan taught admiralty law at Cleveland-Marshall for more than 10 years.

A Cleveland native, Mr. Keenan earned his undergraduate degree from Miami University and an M. A. in history from the University of Oklahoma. He joined the United States Navy and served aboard destroyers in the Pacific theatre before enrolling in Yale Law School where he earned his LL.B. in 1948.

Mr. Keenan was a senior partner in the firm of Ray, Robinson, Keenan and Hanninen. He was grand treasurer of the International Ship Masters Association, a member of the Great Lakes Histor-

ical Society, and of the Propeller Club.

Mr. Keenan is survived by his wife, a son, a daughter, a sister and one grandchild.

## Ben Lewitt, Tax Expert

Ben Lewitt, who was graduated summa cum laude from Cleveland-Marshall in 1951 was an adjunct professor for 17 years until his death last August at the age of 61.

Mr. Lewitt specialized in tax, having worked for the finance department of the Internal Revenue Service before entering law school. After scoring second highest on the 1951 Ohio Bar Exam, Mr. Lewitt went into private practice.

He had earned his way through undergraduate school by playing the violin. He met his wife, cellist Florence Geschwind, in college. After his graduation from the University of Miami in Florida, Mr. Lewitt served as chief warrant officer with the U. S. Army Finance Department during World War II, earning the Purple Heart.

In addition to his wife, Mr. Lewitt is survived by a daughter, a grandchild and brothers and sisters.

## Paul Whitmer

Paul Whitmer, C-M '54, joined the firm of Dittore, Whitmer & Collins after his graduation from law school and was a partner when he died in November at the age of 71. Before becoming a lawyer Mr. Whitmer was a salesman, a bill collector and clerk at the Federal Reserve Bank of Cleveland.

## James N. Young

James N. Young, C-M '71, was an assistant Cuyahoga County prosecutor when he died last fall at the age of 49. Mr. Young started studying for his law degree in 1955 while working as a district manager for a life insurance company. He then operated his own insurance company and joined the prosecutor's office after his graduation from law school.



# Dean Stapleton dies, helped merge C-M

Dean Emeritus Wilson G. Stapleton died in March in Florida where he had retired.

From 1956 to 1963, in addition to heading Cleveland-Marshall Law School, Dean Stapleton served as mayor of Shaker Heights and maintained a private law practice, working 70 to 80 hours per week. He was mayor of Shaker Heights from 1956 to 1962. He retired as dean in 1967, becoming dean emeritus, and moved to Florida in 1970. He passed the Florida bar in 1972.



Mr. Stapleton was named dean of the former

Cleveland Law School in 1944 after teaching property law for nine years. When the Cleveland and John Marshall Law Schools were merged in 1946, Mr. Stapleton remained as dean.

Born in Maine in 1901 Mr. Stapleton served in the Royal Canadian Army in 1917-18 and then in the U. S. Army as a pilot until 1924 when he entered Boston University. He earned his undergraduate degree in 1928 and moved to Cleveland to join the faculty of University School in Shaker Heights, first as a teacher and then as director of admissions. He was graduated from Cleveland Law School in 1934 and joined its faculty in 1935.

Mr. Stapleton was foreman of the 1967 Cuyahoga County Grand Jury. He was a past president of the League of Ohio Law Schools and a former trustee of the Cleveland Legal Aid Society.

Survivors include his wife, two sons and a daughter.

# Prof. Auerbach, 81, taught for 40 years

Although he had been Professor of Law Emeritus since 1974, Charles Auerbach continued to teach regularly at Cleveland-Marshall through the Fall, 1979 quarter and was a visiting professor at Nova University Law School in Fort Lauderdale, Fla., where he died in February at the age of 81.

Professor Auerbach practiced law for 57 years, maintaining an office in the Leader Building, and was a law professor for more than 40 years specializing in evidence, ethics, trial practice and procedure and the Uniform Commercial Code. He was also active in many Jewish organizations and lectured widely on the Middle East.



Mr. Auerbach earned his bachelor's and law degrees from Western Reserve University and an LL.M. from Cleveland-Marshall. He also studied philosophy, economics, government and literature at Harvard University. He participated with Professors Edward Clearly, Ronald Carlson, John

Kaplan, Lawrence Tribe and Paul Rothstein and Counsel Roger Pauley of the House Committee on Criminal Justice in establishing the Federal Rules of Evidence.

Mr. Auerbach was an adjunct professor of law at C-M from 1939 to 1969 and professor of law from 1969 until he became professor emeritus. He lectured frequently to the Cuyahoga County and Greater Cleveland Bar Associations on civil procedure and evidence.

Professor Auerbach was active in the United Jewish Appeal for more than 40 years, served on the administrative committee of the Zionist Organization of America, was a director of the Bureau of Jewish Education and served as chairman of the Jewish Court of Arbitration for 14 years.

In 1967 Prof. Auerbach became the first layman to publish an article in the Journal of the Central Council of American Rabbis. He wrote two books, *The Talmud: A Gateway to the Common Law* and *Reflections on Martin Buber*. He has written articles on cognovit notes, juvenile courts and lawyers' advertising.

Professor Auerbach is survived by a son and two grandchildren. His wife Celia died in 1977.



# Task Force supports juvenile justice reform...

from page 17

H.B. 460 also contained provisions that would correct current problems, and added new provisions that would expand the power of the juvenile court.

Currently the Ohio code contains no minimum age limit for adjudication of children as delinquents or unrulies, though commitment to OYC is limited to those over 12. In 1975, in Cuyahoga County, 34 children eight years of age and under were adjudicated

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**In Cuyahoga County 34 children eight years of age and under were adjudicated delinquent or unruly.**

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delinquent or unruly. These children are dependent, neglected or mentally ill — not delinquent or unruly — and they should not be so labeled.

After a child has satisfactorily completed probation, the power of the court relative to that child should be no greater than it is over any other child. Limits terminating jurisdiction should be included in any new juvenile code.

Currently, half of our counties detain unruly and delinquent children in jails and a recent study showed that most counties do not obey the current law that requires separation of children from adult inmates.

If jailing is allowed, separate detention facilities will not be provided and community treatment programs will not be established. Local or regional detention and treatment centers can use existing local programs to help troubled children and the staff can satisfy the diversion and intake function, too. For all these reasons, the use of jail to detain unruly and delinquent children should be terminated.

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**Discrimination against women causes commitment of a much higher percentage of female than male status offenders.**

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Our present code provides that juveniles should be treated in a family environment whenever possible, yet judges sometimes make harsh commitments and refuse to explain why.

H.B. 460 mandated the least restrictive alternative or an explanation as to why it was not accepted. This provision is also in S.B. 85.

Our present code establishes a preference for women referees in some cases. Such obvious sex discrimination should be eliminated; but discrimina-

tion against women causes commitment of a much higher percentage of female than male status offenders. Some girls are committed to OYC for no other reasons than that they are poor and pregnant. H.B. 460 contained a provision designed to eliminate such abuse.

H.B. 460 supported the family by emphasizing home and community treatment, prohibiting institutionalization of status offenders, prohibiting continued use of jails, increasing reliance on foster and group homes, and diverting money from Fairfield to community treatment programs. Emphasis on juvenile court coercive power to commit children is negative, destroys families and does not work. We must reject the argument that the power to commit a child does anything other than diminish the family unit. We should support the family with new or existing programs that might allow its survival. Institutional programs are expensive failures; they can be justified only for the few children who represent a danger to society.

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**Adequate trial records must be made and judges must ... hand down written opinions.**

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The public should be able to monitor juvenile courts just as it does criminal courts. The judges now agree with this open court position. However, in order to protect very young witnesses the judge should have the power to close the court during their testimony.

In order that trial courts may be monitored by appellate courts, adequate trial records must be made and judges must be required to hand down written opinions. A good transcript and written opinion are needed to improve the appellate function.

In turn, the courts must inform themselves as to the effectiveness of treatment and correctional programs. None of the judges who testified before the Juvenile Justice Task Force had visited more than one or two of the institutions to which children are regularly committed. OYC officials confirmed that few judges had visited more than one of their many institutions. H.B. 460 required the judge to visit local institutions once a year, visit each OYC institution every three years, and file a report available to the public showing an understanding of the facility and its program.

Those of us who practice in the juvenile courts are constantly faced with parents who are inadequate. Often the child is more the victim than the offender, and the courts need the power to order the parent into counseling or treatment. The juvenile judges originally criticized this, but have now accepted it.

**Continued on page 24**



# The Pickers' international law institute matches Marshall against CWRU

A husband and wife team of law professors have teamed up to offer an unusual education experience. C-M Professor Jane M. Picker and Case Western Reserve Professor Sidney Picker Jr. teach an international law institute involving students from both Cleveland law schools.

The 1979 institute, the fourth since 1976, involved 11 students, including four from the University of Western Ontario in London, Ont. The Canadians were exchange students in the joint Canada-United States Law Institute sponsored by CWRU and Western Ontario.

Institute students are divided into two negotiating teams, representing the governments of the United States and Canada.

The Pickers formulate a problem of concern to both countries which becomes the subject of mock negotiations. The topics chosen are realistic so that research materials are generally available but, in order to foster

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**Negotiators may walk out in protest ... an event that occurred at least once recently following heated discussions**

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an atmosphere of true negotiation, the topics are not issues already resolved by current treaty or agreement.

The 1978 topic concerned the exploitation of oil and gas deposits in the Great Lakes basin. This year students negotiated the construction of a transnational bridge over Lake Erie.

The 1978 neophyte negotiators found enough to agree upon to draft a formal agreement. However, the Pickers are quick to point out, negotiations turn out differently each year — partly because of the institute's focus on simulating a real negotiating situation as closely as possible. The students themselves are primarily responsible for deciding when and where the sessions will take place and how they will be conducted.

Indeed, the negotiators may walk out in protest if necessary, an event that occurred at least once recently following heated discussions.

Other more conventional courses that attempt to teach negotiating skills have a common drawback: the student participants know each other as law school colleagues, thus leaving out an important element of negotiation — uncertainty about the opposing side's



J. PICKER



S. PICKER

strengths and weaknesses. The Pickers overcome this problem by involving students from two different law schools.

Additional stimulus to the negotiating atmosphere is attributable to the presence of the Canadian exchange students who lend a distinct perspective and add a certain authenticity to the proceedings.

The opening of negotiations is marked by a formal "diplomatic" party hosted by the Pickers and attended by the deans of both law schools as well as Robert

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**"The greatest challenge is learning to suppress the temptation to speak out as an individual."**

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Woolham, Canadian Consul and Senior Trade Commissioner in Cleveland. At this affair the negotiators have an opportunity to meet their opponents for the first time.

The Pickers stress that negotiation is vastly different from advocacy. As one C-M team member explained, "The greatest challenge is learning to suppress the temptation to speak out as an individual. The whole idea is to speak at all times as a team member and to remember that the goal is to reach an agreement that maximizes the team's position."

—By Kurt Olsen



# Task Force supports juvenile justice reform

from page 22

There will still be cases involving mature older children who have proven their good citizenship by having completed high school, by having secured a job, and by having established a separate home for themselves, all with the consent of their parents. If such a youngster is under eighteen, the parent can order him to return home and quit his job, and if he refuses the parent can file an unruly complaint and have him ordered home.

Both national studies recommend existing emancipation laws be clarified so that where the older child can prove his good citizenship, the court can issue an emancipation order. H.B. 460 allowed the court to impose conditions and limitations on the order,



Martin Nadorlik

## Meet Liz Moody ...

from page 12

Moody and Picker became involved as volunteers in the teacher-pregnancy case, *Cleveland Board of Education v. LaFleur*.

"We found that that kind of litigation can't be done with volunteers. Even if women lawyers give free legal services, expenses are involved for such things as depositions, typing, printing and expert witnesses."

By the time *LaFleur* went up to the U.S. Supreme Court, the Women's Law Fund had been organized and was representing the Cleveland teacher who had been discharged during the middle of her pregnancy. As Court followers know, *LaFleur* won!

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Moody joined the C-M faculty as an adjunct lecturer in 1967. Later that year Ann Aldrich was hired as the first full-time woman faculty member who was not affiliated with the library.

"They didn't think that a woman could teach all those older men," said Prof. Moody, "but they decided to let me try." She has been with C-M ever since, joining the full-time faculty in 1970 while on leave from Gaines, Stern. She became a full professor in 1973.

Moody has "taught everything" including federal jurisdiction, wills and trusts, equity, commercial law, contracts "and, of course, the corporate courses."

For several years Moody lectured on corporations for the Ohio Bar Review and Writing Seminar and, with Howard Rossen, has co-authored the Smith's Review series on corporations and wills.

Her resume reads as if she were a viable candidate for federal judge — something she would be quite likely to be were she not a woman, a Republican and a former partner of U.S. Senator Howard Metzenbaum.

By Gail Gianasi Natale

limited it to those cases where the court could find that it was in the best interests of the child, and allowed modification or revocation if conditions changed.

The judges agree with many H.B. 460 positions: the need for a time limit on secure confinement of status offenders, the elimination of detention of juveniles in jails, the need for regional detention centers, the need for power to enable the courts to order inadequate parents to participate in therapeutic counseling, the

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**The judges endorse the idea that community corrections programs work better than state institutional ones.**

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least restrictive dispositional alternatives, open juvenile court proceedings, and many of the provisions designed to strengthen family and community controls.

The judges endorse the idea that community corrections programs work better than state institutional ones. The leadership of the Ohio Youth Commission agrees that future emphasis should be on community treatment rather than state institutional programs. The remaining differences are minor compared to the areas where agreement has been reached. Let us hope the General Assembly has time to study and enact the few very needed reforms mentioned here.

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**Prof. Willey teaches juvenile law, has practiced before local juvenile courts and was a member of the Attorney-General's Juvenile Justice Task Force which made a complete study of juvenile justice in Ohio.**

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# C-M Conference Features Legal Rights

Basic legal information about areas that interest and concern all women was conveyed May 5 at Cleveland-Marshall's first annual Women's Legal Rights Workshop (WLRW) held at the law school for any Greater Cleveland woman who wanted to attend.

The day-long workshop, co-sponsored by the C-M Women's Law Caucus and the American Bar Association/Law Student Division (ABA/LSD) featured panels and presentations discussing 14 topics pertinent to the lives of women in business, in industry and at home.

Assistant Dean Janice Toran gave the morning keynote address but all other panel and discussion leaders were either women law students, recent C-M graduates or lay women with expertise in a particular area.

The workshop offered child care, coordinated by Mr. Jerry Walton, C-M's ABA/LSD representative, and new SBA president, tours of the C-M library conducted by Judith Kaul and Catherine Gillette of the law library staff, and literature tables with material stocked by a variety of women's groups.

"We weren't giving legal advice," said Christine Guarnieri, one of the WLRW coordinators, "because we did not want to get into the unauthorized practice of law."

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**"The material ... explained what the law actually is and how it works on the streets."**

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"What we were doing," added Alexandria Ruden, another WLWR coordinator, "was presenting the material that explained what the law actually is and how it works on the streets."

Other WLRW coordinators were Mary Ann Ryan and Ann Cofell. All four are second-year C-M students.

Participants were able to attend four of the 14 70-minute workshop sessions held throughout the day but each leader prepared a paper covering the material she presented. These were bound into a copyrighted handbook given to all who attended.



Anyone interested in purchasing the handbook may call 687-2344 to find out whether copies are still available.

Topics covered at the workshop were employment discrimination, insurance, credit, tax, welfare, mental health, reproductive rights, landlord-tenant, lesbian rights, criminal justice: arrest to trial, rape, battered women/domestic

## Women judges honored, discussed

Lesley S. Brooks, C-M '74, discussed federal judicial appointments and women at a Law Day meeting May 1 of the Cleveland Women Lawyers Association and the Black Women Lawyers Association.

Eight women serving on various local benches were honored at the meeting. Among them were Cuyahoga County Common Pleas Court Judge **Ann McManamon, C-M '50**, and Cleveland Municipal Court Judge **Lillian W. Burke, C-M '51**.

violence, handicapped law, and domestic relations: divorce/alimony/name change.

Marie Charvat, C-M '77, and Diane Sherban, C-M '78, led the insurance workshop. Robbie Morgan Hamilton, C-M '76, headed the criminal justice discussion.

Among the C-M student workshop leaders were Annette Power Johnson, affirmative action officer for CSU; Patricia Briggs-Major who worked in the consumer frauds division of the Oakland County, Mich., prosecutor's office; Patricia Hallick, an IRS agent for seven years; Mary Guarnieri, Ashtabula welfare department; Susan Weaver, Legal Aid; Monica Smolka, law clerk at the Free Clinic; Wenda Sheard, Rape Crisis Center; Charetta Huff, adviser to Women Together, shelter and legal services for battered women; Denise Weisenborn, a member for

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**Discussion leaders were either women law students, recent C-M graduates or lay women ...**

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five years of the CSU President's Advisory Committee for the Handicapped, and Nancy Cameron, a clerk at the CSU legal department.

Workshop leaders were assisted by outside experts from such agencies as the Women's Law Fund, Ohio Civil Rights Commission, EEOC, Office of Federal Contract Compliance, ACLU Women's Rights Project and the Cleveland Tenants Organization.

"Many people have been especially helpful in organizing the workshop," Ruden said. Dean Robert L. Bogomolny provided the meeting areas, the support services and the assistance of Therese Arsham, administrative assistant for external affairs. Janis Felder designed the WLRW logo and Mary Weingartner and the University public information office handled publicity.



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